

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION**

STATE OF TEXAS,

Plaintiff,

v.

The UNITED STATES OF AMERICA;
DAVID PEKOSKE, Acting Secretary of
the United States Department of
Homeland Security, in his official
capacity; UNITED STATES
DEPARTMENT OF HOMELAND
SECURITY; TROY MILLER, Senior
Official Performing the Duties of the
Commissioner of U.S. Customs and
Border Protection, in his official
capacity; U.S. CUSTOMS AND
BORDER PROTECTION; TAE
JOHNSON, Acting Director of U.S.
Immigration and Customs
Enforcement, in his official capacity;
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT; TRACY RENAUD,
Senior Official Performing the Duties of
the Director of the U.S. Citizenship and
Immigration Services, in her official
capacity; U.S. CITIZENSHIP AND
IMMIGRATION SERVICES,

Defendants.

Civ. Action No. 6:21-cv-00003

**ADVISORY REGARDING COURT'S
QUESTION**

At the hearing on Texas's emergency motion for a temporary restraining order, the Court asked whether Defendants are releasing the illegal aliens who they refuse to remove. The answer is yes.

Since the hearing, the press has reported that ICE officials in Texas have been instructed to not only “stop all removals” but also “[r]elease them all, immediately.”¹ As far as Plaintiff can tell, Defendants have not denied the accuracy of the press report or the authenticity of the email on which it is based.

This development highlights the urgent need for relief. Defendants’ refusal to remove illegal aliens is directly leading to the immediate release of additional illegal aliens in Texas. That will force the State to spend additional money on Emergency Medicaid, the Family Violence Program, the Children’s Health Insurance Program, and public schools. *See* TRO Mot. at 16–17; Exs. D–E. Texas’s financial injury is irreparable because “there is no source of recompense.” *Texas v. United States*, 328 F. Supp. 3d 662, 737 (S.D. Tex. 2018).

The State of Texas respectfully requests that the Court either enter a TRO preventing Defendants from implementing the January 20 Memorandum or postpone the memorandum’s effective date. As the internal ICE official email illustrates, each day Defendants are allowed to proceed, they will refuse to remove illegal aliens, release those aliens, and irreparably injure Texas.

¹ Tucker Carlson, ‘Release them all, immediately’: Email to ICE officers reveals chaos after Biden halted deportations, FOX NEWS (Jan. 22, 2020), <https://www.foxnews.com/opinion/release-them-all-immediately-email-to-ice-officers-reveals-chaos-after-biden-halted-deportations>.

Respectfully submitted this the 24th day of January, 2021,

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on January 24, 2021. A true and accurate copy of the foregoing document will also be sent to the following addresses:

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/s/ William T. Thompson
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